

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Bankruptcy No. 19-70732-JAD
William Edward Webb Jr. and)
Carol A. Webb,) Chapter 13
Debtors,)
William Edward Webb Jr. and) Hearing Date: 01/08/21 @ 11:00 a.m.
Carol A. Webb,)
Movants,) Response Due: 12/14/20
vs.)
Bank of America, N.A.,)
Respondent.) Document No.

OBJECTION TO NOTICE OF MORTGAGE PAYMENT
CHANGE BY BANK OF AMERICA

AND NOW, come the Debtors, by and through his counsel, Calaiaro Valencik and Mark B. Peduto, and sets forth the following in support thereof:

1. William Edward Webb, Jr. and Carol A. Webb, filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code on December 4, 2019.
2. The Debtors entered the Loss Mitigation Program and were granted a modification which was approved by this Court on July 29, 2020, at Document No. 50.
3. Per its terms, principal and interest is \$797.11 with an escrow of \$261.36 subject to adjustment for increases in taxes.
4. The Debtors' insurance and taxes have consistently been about \$2,920.00 for the last three years.
5. On November 5, 2020, the Respondent filed a notice of mortgage payment change suggesting that Debtors' escrow had to increase by \$444.85 per month or \$5,338.20 per year.
6. If one were to believe this document, the Debtors' escrow requirements have increased from \$2,920.00 per year to almost \$8,500.00 per year in less than six months.

7. The Debtors' real estate taxes have not tripled in Cambria County as this would be a violation of Pennsylvania law.

8. This document is grossly in error and incompatible with the approved loan modification.

9. This document is an attempt by the Respondent to be paid money it is not entitled to under the approved loan modification nor the actual needs of the escrow account to pay for the taxes and insurance.

10. The actions of the Respondent may be violative of federal and state consumer protection laws.

11. Counsel for the Debtors is now forced to file this objection due to Respondent's grossly inaccurate notice.

12. The Debtors request that this Court strike the Notice of Mortgage Payment Change filed on November 5, 2020.

WHEREFORE, the Debtors request that this Honorable Court enter an Order striking the Notice of Mortgage Payment Change filed November 5, 2020, as void and unenforceable.

Respectfully submitted,

Dated: November 25, 2020

BY: /s/ Mark B. Peduto
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